

Dear Mr. Denniston,

1/8/85

When you phoned me after the appeals court handed down its decision in the refiled case over which the FOIA investigatory files exemption was amended in 1974, I told you, among other things, that it was in such factual error I had to wonder what was behind it. You wrote a fair story. Since then there was a similar decision in my 1975 suit for King assassination records. In both I was represented by Jim Lesar and in both he petitioned for an en banc rehearing. It has been quite some time since he filed the second one. The first was rejected. I filed the enclosed petition pro se for the reason indicated -- I have no lawyer, no way of getting to DC to find one, who I could not pay anyway, and, I tell you frankly, I cannot imagine a lawyer's practice surviving what I believe must be said and to the degree the limit of 15 pages permits I tried to say.

I will not try to color this for you, but if you are interested and have any questions, I'll be glad to answer them. I am usually home from my daily therapy by 10:30 and absent medical appointments, one of which my wife also has Thursday, then am usually home. We should be home by 1:30 Thursday.

I believe I see a pattern of Reagan administration acts against lawyers, particularly those who represent clients who cannot pay them. Remember, they went after the DC bar? There are other instances.

Because a conflict of interest was created between Lesar and me the Nader law group represented him and Mark Lynch represented me. They were interested in the principles and precedents involved. Lesar cannot represent me now and Lynch agreed to do only what he did. I've not discussed this with either of them and I believe I should not.

John Lewis Smith was the district court judge.

I think there was some duplication on the three panels.

Thanks for anything you may do and

best wishes,